

1 WEIL, GOTSHAL & MANGES LLP
2 Theodore E. Tsekerides (*pro hac vice*)
(theodore.tsekerides@weil.com)
2 Jessica Liou (*pro hac vice*)
(jessica.liou@weil.com)
3 Matthew Goren (*pro hac vice*)
(matthew.goren@weil.com)
4 767 Fifth Avenue
5 New York, NY 10153-0119
5 Tel: 212 310 8000
6 Fax: 212 310 8007

7 KELLER BENVENUTTI KIM LLP
8 Tobias S. Keller (#151445)
(tkeller@kbkllp.com)
8 Peter J. Benvenutti (#60566)
(pbenvenutti@kbkllp.com)
9 Jane Kim (#298192)
(jkim@kbkllp.com)
10 650 California Street, Suite 1900
11 San Francisco, CA 94108
11 Tel: 415 496 6723
12 Fax: 650 636 9251

12 *Attorneys for Debtors and Reorganized Debtors*

14 **UNITED STATES BANKRUPTCY COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 **In re:**

18 **PG&E CORPORATION,**

19 **- and -**

20 **PACIFIC GAS AND ELECTRIC**
21 **COMPANY,**

22 **Debtors.**

23 Affects PG&E Corporation
24 Affects Pacific Gas and Electric
24 Company
25 Affects both Debtors

26 * *All papers shall be filed in the Lead Case,*
26 *No. 19-30088 (DM).*

17 Bankruptcy Case No. 19 -30088 (DM)

18 Chapter 11

19 (Lead Case) (Jointly Administered)

20 **DECLARATION OF TYSON R. SMITH IN**
21 **SUPPORT OF REORGANIZED DEBTORS'**
22 **MOTION TO FILE CERTAIN DOCUMENTS**
23 **UNDER SEAL AND IN REDACTED FORM**
24 **IN SUPPORT OF REORGANIZED**
25 **DEBTORS' OBJECTION TO**
26 **CONSOLIDATED EDISON**
26 **DEVELOPMENT, INC.'S AMENDED CURE**
27 **PAYMENT CLAIM DEMAND**

28 [No Hearing Requested]

1 I, Tyson R. Smith, pursuant to section 1746 of title 28 of the United States Code, hereby declare
2 under penalty of perjury that the following is true and correct to the best of my knowledge, information,
3 and belief:

4 1. I am employed as Managing Counsel, Strategy & Policy in the Law Department at Pacific
5 Gas and Electric Company (the “**Utility**” and, together with PG&E Corporation, the “**Reorganized
6 Debtors**”). I joined the Law Department in 2018 and have been licensed to practice in the State of
7 California since 2003. Prior to joining the Utility, I was a partner at Winston & Strawn LLP from 2011
8 to 2018 and associate from 2005 to 2011. From 2003 to 2005, I was an attorney in the Office of the
9 General Counsel, U.S. Nuclear Regulatory Commission. I hold a Bachelor’s degree from Vanderbilt
10 University in civil and environmental engineering, a Master’s degree from Stanford University in civil
11 and environmental engineering, and a juris doctorate from Lewis and Clark Law School.

12 2. This Declaration is submitted in support of the *Motion to File Certain Documents Under
13 Seal and in Redacted Form in Support of Reorganized Debtors’ Objection to Consolidated Edison
14 Development, Inc.’s Amended Cure Payment Claim Demand* (the “**Motion to Seal and Redact**”) filed
15 concurrently herewith, which seeks authority to redact certain confidential commercial information filed
16 in connection with the *Reorganized Debtors’ Objection to Consolidated Edison Development, Inc.’s
17 Amended Cure Payment Claim Demand* (the “**Objection**”).¹ I am generally knowledgeable and familiar
18 with the Reorganized Debtors’ day-to-day operations, including the power purchase agreements and
19 interconnection agreements (the “**CED Agreements**”) between the Reorganized Debtors and certain
20 affiliates of Consolidated Edison Development, Inc., (Consolidated Edison Development, Inc., and its
21 affiliates collectively, “**Con Ed**”). I am authorized to submit this Declaration on behalf of the
22 Reorganized Debtors. The facts set forth in this Declaration are based upon my personal knowledge, my
23 review of relevant documents, and information provided to me by the Reorganized Debtors’ other
24 employees or the Debtors’ legal, restructuring, and financial advisors. If called upon to testify, I would
25 testify to the facts set forth in this Declaration.

26 3. The Confidential Documents contain highly sensitive and confidential commercial
27

28 ¹ Capitalized terms used but not otherwise herein defined shall have the meanings ascribed to such terms
in the Motion to Seal and Redact or the Objection, as applicable.

1 information, including the pricing and terms for the Reorganized Debtors' purchase of electricity and
2 ancillary products from Con Ed. The Confidential Documents also include documents related to Con
3 Ed's financing terms and negotiations with its creditors, which I understand is confidential and sensitive.

4 4. The Objection and the Demands each reference certain confidential provisions from or
5 related to the Confidential Documents, as well as other information related to Con Ed's financing
6 agreements with its lenders.

7 5. It is my understanding that Con Ed has also requested that the Confidential Documents
8 and the confidential, sensitive information contained therein be filed under seal or be redacted, as
9 applicable.

10 6. I believe that due to the commercially sensitive nature of the pricing and other terms
11 included in the Confidential Documents, the public disclosure of the Confidential Documents and
12 information contained therein would likely harm the Reorganized Debtors and Con Ed and create an
13 unfair advantage for competitors. Accordingly, the Reorganized Debtors seek to keep the Confidential
14 Documents and the information contained therein confidential.

15
16 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and
17 correct.

18 Dated: May 3, 2021

19 Respectfully submitted,

20 By: /s/ Tyson R. Smith
21 Tyson R. Smith